

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Samuel Der-Yeghiayan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	03 C 2741	DATE	3/31/2004
CASE TITLE	Mitsui Sumitomo Ins vs. Watkins Mtr Line Inc		

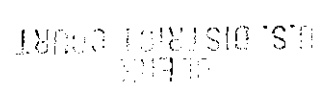
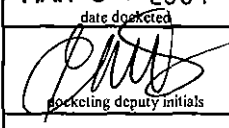
[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

--

## DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of [ use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> Local Rule 41.1 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] For the reasons stated on the reverse side of this minute order, the Court denies the cross motions for summary judgment [8-1], [13-1] without prejudice. Furthermore, the Court strikes as moot plaintiff's motion to strike the affidavit of Bob Fredere [22-1]. Status hearing set for 04/12/04 to stand. Enter Memorandum Opinion.
(11)	<input checked="" type="checkbox"/>	[For further detail see order on the reverse side of the original minute order.]

No notices required, advised in open court.	<div style="text-align: center;">  <p>U.S. DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS</p> <p>18:1107 18:04W400Z</p> </div>	number of notices	<div style="text-align: center;"> <p><b>Document Number</b></p> <p>27</p> </div>
No notices required.		MAR 31 2004 date docketed	
Notices mailed by judge's staff.		 docketing deputy initials	
Notified counsel by telephone.		date mailed notice	
<input checked="" type="checkbox"/> Docketing to mail notices.		mailing deputy initials	
Mail AO 450 form.			
Copy to judge/magistrate judge.			
<div style="display: flex; justify-content: space-between;"> <div>maw</div> <div>courtroom deputy's initials</div> </div>	<div style="text-align: center;"> <p>Date/time received in central Clerk's Office</p> </div>		

## ORDER

This matter is before the court on cross motions for summary judgment. Defendant entitled their motion as a partial motion for summary judgment. However, it is not clear from Defendant's motion and argument the extent for which Watkins is seeking summary judgment. On one hand, Defendant appears to be seeking summary judgment on the issue of limited liability and on the other hand they seem to be challenging whether they are liable at all on the Plaintiff's claim. For example, in Defendant's prayer for relief, Defendant "...requests that this Court enter an Order granting its Motion for Partial Summary Judgment, limiting its liability, *if any*, to \$10,150.00 and order such other relief as it deems just and proper...". (emphasis added) Therefore, for the purposes of clarification, we deny the cross motions for summary judgment without prejudice. As such, the court strikes as moot Mitsui's motion to strike the affidavit of Bob Fredere. If the parties wish to renew the motions they may do so.